

United States District Court
Eastern District of Virginia
Norfolk, Virginia 23510

Chambers of
Rebecca Beach Smith
Senior United States District Judge

May 21, 2021

David G. Concannon
Explorer Consulting
100 Sun Valley Road, No. 329
Sun Valley, Idaho 83353

Re: R.M.S. Titanic, Inc. v. The Wrecked & Abandoned Vessel
Case No. 2:93cv902

Dear Mr. Concannon:

Thank you for your letter of May 18, 2021, advising the court of OceanGate's "plans to undertake a series of photographic and scientific survey expeditions at the wreck site of the *R.M.S. Titanic* during the summer of 2021." ECF No. 660 at 1. In your letter you "assure the Court and the parties" that this *Titanic* survey expedition will be conducted in accordance with the court precedent and the NOAA Guidelines. *Id.* Specifically, you state that "OceanGate Expeditions has no intention of disturbing the *R.M.S. Titanic* or interfering with *R.M.S. Titanic, Inc.*'s ("RMST") rights as salvor-in-possession, or of violating this Court's orders with respect thereto. On the contrary, OceanGate Expeditions acknowledges and respects this Court's exclusive authority and jurisdiction to manage activities at the *Titanic* wreck site." *Id.* (citing *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 967-69 (4th Cir.), cert. denied, 528 U.S. 825 (1999)).

Moreover, your letter describes in detail the history and parameters of the survey expedition, including the use of a manned submersible without "manipulator arms or a means to move or retrieve artifacts from the sea floor." *Id.* at 4. All expeditions to this site will be observatory and will not include any "activity that would physically alter or disturb the wreck" or artifacts. *Id.* at 5. You also state that "OceanGate Expeditions does not intend to infringe on any intellectual property rights of RMST." *Id.* Absent any objection from *R.M.S. Titanic, Inc.* or NOAA, the court itself has no objections based on your letter and representations to the court.

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I do appreciate your invitation to participate in your 2021 *Titanic* Survey Expedition as a guest, and hopefully I will be able to do so at some future time. I would request that you submit to the court a Report of your expedition, including the result of the plans set forth in bullet points in your letter on page 3 under Section B., entitled "The 2021 *Titanic* Survey Expedition."

Very truly yours,



Rebecca Beach Smith

RBS/erb

cc: Jackie Rolleri, Esquire
NOAA

Brian A. Wainger, Esquire
RMST, Inc.

David G. Barger, Esquire
RMST, Inc.

Kent P. Porter, Esquire
DOJ